Salus Populi Suprema Lex;

Shew'd in the

BEHAVIOUR

OF

Britiſh Parliaments

TOWARDS

PARRICIDES, &c.

Illuſtrated

By PRECEDENTS in almoſt every Reign, from the Time of *Edward* II.

OR,

REASONS for Inflicting the Higheſt Puniſhments on the Authors of our preſent Calamities.

Humbly ſubmitted to both Houſes of Parliament.

Fuit, fuit iſta quondam in hac Republica Virtus, ut viri fortes acrioribus Suppliciis Civem pernicioſum, quam acerbiſſimum Hoſtem coercerent.

CICERO.

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REASONS *for Inflicting the Greateſt Puniſhments*, &c.

IT is now the grand Queſtion in every Converſation, *What Courſe will be taken with the late Directors of the* South-Sea *Company, and other principal Authors of the Nation's Misfortunes?* The Parliament has already in ſome meaſure ſhewn their juſt Reſentments againſt them: And having paſs'd a Law, making it Felony for any of the late Directors to depart out of the Kingdom within a Year and a Day, and before the End of the next Seſſion of Parliament; we may reaſonably conclude that a greater Puniſhment is reſerv'd for them, than barely the Confiſcation of their Eſtates, which would be but a poor Recompence for the Injuries

the Nation has receiv'd by their Villanous and Deſtructive Practices.

I think it will not be doubted that the Parliament has ſufficient Grounds to exert their Authority, and all the Power they are inveſted with, on ſo extraordinary an Occaſion as the preſent. And 'tis the general Expectation of the whole Nation, who are juſtly provok'd by their Sufferings and Calamities, that the Authors thereof ſhould be ſacrific'd to their reaſonable Reſentments. Examples of Puniſhment are ſuch neceſſary Admonitions, that without them, Law itſelf, and the Lawgivers, become the general Subject of Contempt; Lenity is ever ſlighted: Impunity for paſt Crimes does not beget Repentance, and generally has no other Effect, but to make Offenders bolder and more enterprizing; and any other but a Capital Puniſhment for Crimes of the higheſt Nature, and moſt miſchievous Conſequence, were a Degree next to Impunity, and Pardon for the Offence.

The Adminiſtration has on former Occaſions judg'd it neceſſary by the greateſt Severities to give a check to Corruption and Abuſes, as they were ſeen to riſe in the Common-wealth: But when they are grown to ſo monſtrous a ſize, 'tis high time the Law ſhould be drawn down with all its Force upon them.

Me-

Methinks 'tis impoſſible for Men of impartial Judgment to entertain the leaſt doubt how thoſe deſerve to be puniſh'd, that have brought us to the miſerable Eſtate we are now in, from that happy and glorious Proſpect of Things which we had about a Year ago: We were under no neceſſity of harkning to wild and extravagant Schemes, trying Experiments, or taking uncommon Meaſures for the Relief of the Publick. His Majeſty had almoſt entirely conquer'd all Obſtacles to the Peace and Happineſs of his Kingdoms, and his own quiet Enjoyment and Poſſeſſion of the Crown. Trade was reviving in a conſpicuous manner, and every ſeeming Hindrance to our growing Greatneſs vaniſh'd before us, while we were advancing by ſecure Steps to the higheſt Proſperity. But we are now ſo far remov'd from theſe happy Circumſtances, that we ſeem rather to labour under the Symptoms of approaching Ruin; and the Eyes of all Mankind are with aſtoniſhment fix'd upon us, by this ſudden and ſurprizing Change of our Affairs. It appears ſufficiently from the Diſcoveries already made of the groſſeſt Villanies and moſt notorious Corruptions, that ever the Sun beheld, by what vile and ſcandalous Practices all this is brought about, and who they are that have eclips'd the glorious Scene, reduc'd us from a

flouriſhing to a diſtreſs'd Condition, weaken'd and impoveriſh'd us at home, and conſpir'd to ſink the Glory of *Britain* in the Eyes of all Nations. And what Puniſhment can be adequate to ſuch unheard-of Crimes, as have tended to the Ruin and Overthrow of a great and wealthy People? Shall petty Thefts and Robberies be puniſhed with Death, and yet the Plunderers of the Publick, the Robbers of three Kingdoms, eſcape it? In Matters of ſuch publick Concern as were under the Care and Management of theſe Men, bare Indiſcretion and Inadvertency deſerve to be ſeverely cenſur'd: *Res nolunt male adminiſtrari.* But how ſhall we excuſe their notorious Frauds and the general Neglect of Affairs, while their whole and only Study was to contrive new Ways every day for enriching themſelves by impoveriſhing their Country? Have they not cheated many hundred Families out of their Eſtates, and reduc'd them from plentiful Fortunes to Beggary and Want? Did not their unbounded Avarice, like a Peſt, overrun the whole Nation, and rage with the greateſt violence, till it had nothing left to prey upon? Have they not robb'd, embezel'd, plunder'd the Nation, and enrich'd themſelves with the Spoils thereof? Have they not ſquander'd away the Publick Wealth, and deſtroy'd

Publick

Publick Credit? In a word, have they not endeavour'd to render our Condition hopeleſs, and to put it out of the power of our beſt and moſt skilful Patriots to relieve us? The World knows I do not exaggerate Matters; no Story can produce ſo diſmal an Example: our Country lies bleeding at our Feet, and cries for Vengance on its ſacrilegious Parricides. How often have we ſeen Men ſacrific'd to the Cruelty and Revenge of a Party, when others might think them innocent? And ſhall theſe Men be ſpar'd, that are guilty by the higheſt Conviction upon Earth, the general Conſent of Mankind, and who have juſtly provoked the whole Nation to purſue them with their Pens and Voices, till they are brought to Juſtice?

I know there are ſome among us, who tho' they dare not interpoſe in the Vindication of ſuch notorious Criminals, yet would baſely inſinuate the Unſeaſonableneſs of a rigorous Proceedure at this Juncture: This I take to be the higheſt Affront that can be offer'd to an injur'd Nation, ſince it ſuppoſes the Age to be ſo corrupt as not to bear the Correction of ſuch vile Abuſes, and ſo deprav'd that Guilt is on better Terms than Innocence itſelf. If this was our Caſe, *we were of all Men the moſt miſerable*, ſince by the like ſpecious Pretences they might at all times *SCREEN* the

the greateſt Villains. Indeed I ſhrewdly ſuſpect the Advice of theſe moderate Gentlemen, and hope they will find to their own coſt, that there is Virtue and Power enough yet in *Great-Britain* to preſerve our Conſtitution, tho' wiſer Heads than theirs deſign'd its Ruin. If the Laws and Government are at any time truly impotent, and unable to cope with powerful Iniquities, 'tis when Faction reigns. But when a few Men who have expos'd themſelves to the Indignation of their Country, by baſely betraying the Truſt repos'd in them, are brought to anſwer for it, who will venture to appear in their Defence? Where can be the Danger of giving them up? Such a Courſe will be ſo far from diſturbing the Publick Quiet, that it ſeems to be the firſt Step neceſſary for allaying the general Ferment and Impatience of the People.

It was a Saying of *Portius Cato* before the Senate, That 'twas ſafer an ill Man ſhould not be accus'd, than that he ſhould be acquitted: *Hominem improbum non accuſari tutius eſt, quam abſolvi.* Such an Impunity brings contempt upon the Laws, and begets a laſting ſucceſſion of ill Government; it encourages others to tread in the ſame Steps, and not to fear attempting any thing on the Publick, when allur'd by the View of Profit, and Hopes of eſcaping Puniſh-

Puniſhment. And certainly there never was more Occaſion for a Government to rouſe up and exert itſelf, than at ſuch a Seaſon and in ſuch a Caſe as the preſent. Gentle Courſes are to be laid aſide; we muſt apply ſtrong Remedies, and take all the Methods that may conduce to our Preſervation.

There is not ſo much as room for the leaſt Pity in ſuch a Caſe, a Pity that would Save from Puniſhment thoſe that are Enemies to their Country, proceeds from a Judgment both unmanly and miſchievous, and the Mercy of ſuch a Perſon is cruel. The *Romans*, till they were quite corrupted, ſhew'd the greateſt Vigour and Reſolution in their Proceedings againſt thoſe who lay under publick Proſecution: of which *Machiavel* gives a very remarkable Inſtance, in the Caſe of *Manlius Capitolinus*, who began to make Parties and raiſe Tumults in *Rome*, both againſt the Senate and Laws. In which Inſtance it was evident, how well that Government was conſtituted, and how well that People was diſpos'd; for in this Caſe (tho' the Nobility and he were great Friends and Strenuous Defenders of each other's Intereſts) none of them, not his very Relations, appear'd in his behalf: and whereas at other Tryals, the Friends of the Criminal us'd to accompany him to the

the Bar in Mourning, and with all other Circumſtances of ſadneſs that they could think of, to work if poſſible the Judges to Compaſſion; *Manlius* went alone, without ſo much as one Friend to attend him. The Tribunes of the People, who were in other things always Oppoſers of the Nobility, and created on purpoſe to ballance their Power, when they found the Deſign tending to the Ruin of them all, they join'd heartily with them to remove ſo common a Deſtruction: And the People of *Rome*, who were zealous for any thing that made for their Advantage, and Lovers of whatever croſs'd the Nobility, (tho' they had alſo their Kindneſs for *Manlius*) nevertheleſs when the Tribunes cited him, and refer'd him to the Judgment of the People, they condemn'd him to Death, without any Conſideration of his former Services. And our Author adds, that in the whole Tract of the *Roman* Hiſtory, there is not one Example that with more Efficacy demonſtrates the Juſtice of that Commonwealth in all its Orders and Degrees of Men than this, ſeeing there was not one Citizen appear'd in the Defence of *Manlius*, who was in other reſpects a Perſon of known Virtues and Endowments, and had done many Honourable Things both in publick and private: and the Reaſon was, becauſe their Love

to

to their Country had a greater Influence upon them than any other Regard; and the Conſideration of the preſent Danger of their Affairs being ſtronger than the Memory of his paſt Merits, they choſe to free themſelves by decreeing his Death.

This was the Deportment of that People where the Perſon was thought Guilty. But I ſhall not dwell at preſent on foreign Examples: Our own Hiſtory furniſhes us with many remarkable Inſtances of the Wiſdom of our brave Anceſtors in correcting Abuſes in the Commonwealth, by inflicting ſeaſonable and wholeſom Severities on the Authors thereof. And tho' the Perſons of Men and their Crimes were ſometimes too big for the Laws to encounter in the ordinary Courſe, yet our Parliaments have almoſt in every Reign ſhew'd, that they had a *Power* not to be dallied with, a *Power* that could take Vengeance on the moſt illuſtrious Villains: I ſhall go no further back than the Reign of *Edward* II. becauſe we have no ſuch Authorities before that time, as the Records of Parliament furniſh us with from thence; but in this very Reign we have ſome remarkable Inſtances, which ſhew the wonderful Vigour and publick Spirit of our Anceſtors in that Age. The firſt is of *Peter de Gaveſton*, who was the King's Favourite, and had cor-

 rupted

rupted him in his Youth, for which he was baniſh'd, and afterwards being recall'd on *Edward*'s coming to the Crown, led the King into dangerous and ill Meaſures by his pernicious Counſels. The Parliament were reſolv'd to exert their Power on this Occaſion, and to do themſelves Juſtice on this extraordinary Favourite, tho' countenanc'd and protected by his Royal Maſter; and therefore they appointed Commiſſioners with a Parliamentary Authority to manage the Affairs of this Kingdom, who among other things condemn'd *Gaveſton* by the following Ordinance, which is well worth the inſerting. " Whereas it is notoriouſly known, " and by the Enquiry of the Prelates, " Earls, and Barons, Knights and other " good People of the Realm it is found, " *That Peter de Gaveſton* has evilly advis'd " and counſell'd our Lord the King, and " has entic'd him to do Evil in divers " manners. *That* he cheated the King " in his Treaſure, and ſent it beyond the " Seas. *That* he encroach'd to himſelf " Royal Power and Dignity, in making " People engage themſelves by Oaths to " live and die with him againſt all Men; " all which he effected by means of the " Treaſure which he daily procur'd, Lording it over the Eſtate of the *King, and of* " *the Crown*, to the Deſtruction of the

" *King*

" *King and of his People. That* he eſpecially
" alienated the Heart of the Lord (*the*
" *King*) from his Lieges, and caus'd him
" to deſpiſe their Counſels. *That* he did
" not ſuffer good Miniſters to execute
" the Laws of the Land, by diſplacing
" ſuch good Miniſters, and employing
" thoſe of his own Confederacy, as well
" Aliens as others, who at his Will and
" his Command, acted contrary to Right,
" and the Laws of the Land. *That* he
" took Lands, Tenements and Farms,
" from the King to himſelf, and his Heirs,
" (*i. e.* a Fee-ſimple.) *That* he caus'd the
" King to grant Lands and Tenements
" of the Crown, to ſeveral People, to
" the great Damage and Decreaſe of the
" Eſtate of the King, and of his Crown.
" And this he did as well ſince the Ordi-
" nance which the King granted to the
" Ordeinors to make for the Benefit of
" *himſelf and his People*, as before, con-
" trary to the ſaid Ordinance of the Or-
" deinors. *That* he ſupports Robbers,
" Murtherers *&c.* procuring for them
" the King's Charters of *Pardon*, by which
" he encourages Evil-doers to do worſe.
" *That* he carry'd the King into a Land of
" War, without the common Aſſent of
" the Baronage, to the Peril of his Body,
" and to the Deſtruction of the Realm.
" *That* he caus'd the Great Seal to be put

" to Blank Charters, in Deceit and Diſ-
" inheritance of the King and of his
" Crown; and againſt his Homage, *felo-*
" *nioufly*, *falſely* and *traitorouſly* he did the
" Things before mention'd, to the Diſ-
" honour and Damage of the King, to
" the Diſheriſon of the Crown, and
" Deſtruction of the People in many
" manners. To which we having Re-
" gard, *&c.* we ordain, by virtue of
" the Commiſſion of our Lord unto us
" granted, That *Peter de Gaveſton*, as he
" appears an Enemy of the King and of
" his People *&c.* be for ever baniſh'd out
" of all the King's Dominions, and if he
" ſhall ever return into the Seignory of
" the King, then let it be done unto him,
" as unto the Enemy of the King, of
" the Kingdom, and of the People, *&c.*"

Accordingly *Gaveſton* was baniſh'd, but afterwards ventur'd to return into the Kingdom, relying on the King's Protection, which coſt him his Life; for while the King was gathering Forces to relieve him, he was taken by the Barons in the Caſtle of *Scarborough* and carry'd to *Dadington*, where *Guy*, Earl of *Warwick*, order'd him to be beheaded, *tanquam legum Regni Subverſorem & publicum Proditorem communi Judicio.* And the King was ſo far from being able to revenge his Death, that the Barons oblig'd him to conſent

to

to an Act of general Pardon to all those who had been concern'd in it.

The next Instance in that Reign of the Interposition of the Parliament, was in the Case of the two *Spencers*, Father and Son, who were condemn'd of High-Treason, by the Lords in Parliament *Anno* 15. *Ed*. 2. The Articles upon which they were condemn'd are very remarbable: The Substance of which is as follows.

1. "That Sir *Hugh* the Son, drew a "Writing, whereby he endeavoured to "engage Sir *John Gifford* and others in "a Conspiracy, to force the King to do "whatsoever he would have him."

2. "That by their Evil Counsel they "caus'd the King never to grant his "Presence (which he by right ought to "do to his great Men) nor any Petitions "but to such Persons as they thought fit: "Which was contrary to the King's Duty "and Oath.

3. "That they will not suffer the Great "Men, nor good Counsellors to approach "the King, to give him Counsel; by "which they usurp'd to themselves Royal "Power and Authority over the Person "of the King, to the great Dishonour "and Danger of the Realm.

4. "That in order to attain their wicked "Purpose, and to the Disinheritance of "the Great Men, and Destruction of the "People,

" People, they put out good and agreeable " Miniſters who were plac'd by Aſſent, " and put in others falſe and wicked of " their own Party.

5. " They maliciouſly advis'd the King " to raiſe Arms againſt his People in " *Gloceſterſhire*, contrary to the Great " Charter and the Award of the Peers of " the Land.

6. " Whereas the Earl of *Hereford*, and " Lord *Wigmore* were aſſign'd by the King " to make War upon *Lleuellin Bren*, who " ſurrendred himſelf to thoſe Lords at the " King's Grace and Pleaſure; the ſaid Sir " *Hugh*, Father and Son, accroaching to " themſelves Royal Power and Authority, " took the ſaid *Lleuellin* out of the Lords " Hands, and carry'd him to their Caſtle " of *Cardiff*, where pretending a Juriſ- " diction which they had not, they caus'd " him to be drawn, hang'd, beheaded, " and quarter'd.

7. " That they evilly advis'd the King " to take into his Hands the Lands of " Sir *Hugh Audelye*, the Son, who was " forejudg'd without Proceſs, contrary to " the Law of the Land.

8. " Whereas the King had granted by " Letters Patents to the Earl of *Warwick*, " in full Parliament, that after his Death, " his Executors ſhould have his Lands " till his Heir was of full Age, they

" cauſed

" cauſed the King, without Cauſe, to re-
" peal, and by their evil Counſel defeated
" what the King had granted in Parlia-
" ment, to the diſhonour of the King and
" againſt Reaſon.

9. " That they would not ſuffer the
" King to take reaſonable Fines of the
" Peers, *&c.* when they entred upon their
" Fees, as had been us'd before that time:
" making the King to do againſt his Oath
" in Parliament.

10. " That by wicked Covetouſneſs,
" and *Royal Power*, they will not ſuffer
" the King to hear, or do Right to the
" Great Men, upon what they preſent
" unto him, touching the Diſheriting
" the Crown, and Them, as to the
" Lands which were *the Templars*. Alſo
" by *uſurped Power-Royal*, they govern'd
" the King, his Council, and his Prelates,
" to the Damage and Diſhonour of the
" King, the Peril of his Oath, and the
" Deſtruction of his People.

11. " Alſo that no Biſhop, *&c.* Elect,
" who ought to be receiv'd of the King
" when duly elected, could come near
" him, or obtain any Favour from him,
" until they had paid a Fine unto the
" ſaid Sir *Hugh*, Father and Son; nei-
" ther could any one elſe obtain any
" Favour from the King, without paying
" a Fine unto them". *Upon theſe Articles*

Judgment

Judgment was given againſt them in theſe Terms.

" Which Wickedneſſes are notorious and " true, as it is found by the Examination " of the Earls, Barons, and other Peers of " the Land: Wherefore We, Peers of the " Land, Earls and Barons, in the Preſence " of our Lord the King, do award, That " *Hugh le De Spencer*, both Father and Son, " ſhall be diſherited for ever, as Diſhe- " ritors of the Crown, and Enemies to " the King and his People; and be ba- " niſh'd the Kingdom of *England*, never to " return again, unleſs it be by the Aſſent " of the King, and by the Aſſent of the " Prelates, Earls, and Barons in Parlia- " ment duly ſummon'd. And if they are " found in *England* after that day, (*ſcil.* " the Day appointed them for avoiding " the Realm) or if they return'd after " that Day, then to be done unto as " unto the Enemies of the King and " Kingdom. "

About four Years after this Judgment of Parliament, the *Spencers* were put to Death: The Father was drawn, hang'd, and quarter'd as a Traytor, without the Formality of Law. And the Son was condemn'd to Death by Juſtice *Truſſel*, in a remarkable Speech, in the following manner.

' *Hugh*

'*Hugh le De Spencer*, in the Parliament 'held at *Weſtminſter*, in the 15th Year of 'the King that now is, your Father and 'you were adjudged to be Traytors, and 'Enemies to the Realm, and were ba-'niſh'd as ſuch, never to return without 'the Conſent of King, and Parliament 'duly ſummon'd; contrary to which 'Award, your Father, and you, have 'been found in Court without Warranty. 'And you *Hugh*, as you return'd into the 'Kingdom, did felonioufly rob two Mer-'chant Ships to the Value of 40000*l.* Af-'ter this Felony you came to the King, 'and caus'd him to take Arms againſt 'Peers of the Realm, &c. contrary to the '*Great Charter*. And alſo accroaching to 'yourſelf Royal Power, you and your 'Adherents did felonioufly rob the good 'People of the Realm. And by means 'of *Andrew Harley* and other Traytors, 'you murther'd the good Earl of *Hereford*, 'and ſeveral other Perſons at *Burrough-'Bridge*. And did there cauſe to be taken 'the moſt honourable Lord *Thomas the good 'Earl of Lancaſter*, whom, by a *falſe Record 'againſt Law* and the *Great Charter*, you 'caus'd to be murther'd, martyr'd and put 'to Death. Alſo in the ſame Place, you 'caus'd ſeveral other Barons and Knights 'to be hang'd, drawn and quarter'd, 'contrary to Law, and the *Great Charter*,

'in order to get their Eſtates. You alſo 'advis'd the King to an Expedition into 'Scotland, where he loſt 20000 Men, to 'the Diſhonour and Damage of the 'Realm.

'Hugh, this Treaſon and Tyranny would 'not ſatisfy you, but by Royal Power 'gain'd over the King, you deſtroy'd the 'Franchiſes of Holy Church, taking the 'Poſſeſſions of the Church to your own 'uſe. And whereas you knew that God 'had wrought ſeveral Miracles by the 'good Earl of Lancaſter, whom you had 'caus'd to be murthered, you placed 'Guards upon the Church where he was 'buried, that none might enter to wor-'ſhip God and his Saints. You after this 'advis'd the King to grant Lands to the 'Earl of Wincheſter, and ſeveral other 'Traytors, to the Diſheriſon of the 'Crown. You alſo gave a great Sum of 'Money to your Adherents in Guyenne, 'where the Queen and her Son then were, 'to deſtroy them.

'Hugh, your Father, and your ſelf, and 'ſeveral other Traytors, did by force oblige 'ſeveral Perſons to ſwear to ſupport and 'maintain you in your Quarrels, &c. you 'at the ſame time knowing ſuch Confede-'racies to be falſe and traitorous. And 'whereas you and the other Traytors 'knew that the Queen and Prince were

'arriv'd

'arriv'd in the Kingdom, you caus'd the 'King to withdraw himſelf out of the 'Kingdom; you felonioufly taking with 'you *the Treaſure* of the Realm, contrary 'to the *Great Charter*.

'*Hugh*, you are found to be a Traytor; 'Wherefore *all the good People of the Land* 'by common Aſſent do Award, that you '*are found as a Thief, and therefore ſhall be* 'hang'd: *As a Traytor, and therefore ſhall* 'be drawn and quarter'd. And for that 'you have been *outlaw'd by the King and* 'Parliament, *you ſhall be beheaded.* And for 'that you have *abetted and created Diſtur-* 'bances between the King and Queen, *and* 'others of the Realm, *you ſhall be embow-* 'elled, *and your Bowels burned.* Withdraw 'Traytor, Tyrant, and go take your 'Judgment, attainted, wicked Traytor."

Which Sentence was immediately executed. He was hang'd at *Hereford* on a Gallows fifty Foot high.

Thus did our wiſe and brave Anceſtors proceed againſt theſe *Lofty* Traytors, who chriſtned their Crimes with the Sanctions of *Royal Power*. But *Majeſty itſelf* was then too weak a *Screen* to ſhelter them from Puniſhment. Theſe Examples of Severity have been deſervedly approv'd in every ſucceeding Age, and are well worthy our preſent Imitation. *The cheating the King in his Treaſure*, we find, was High-Treaſon in thoſe Days. And yet

that was but a kind of private Robbery in compariſon of *Plundering the Publick*; our Kings having then no Subſidies from their People for the publick Service. Can we therefore doubt whether or no thoſe are guilty of *High-Treaſon*, who (as the incomparable Author of the Political Letters obſerves) *being entruſted with the Wealth, Security, and Happineſs of Kingdoms, do yet knowingly pervert that Truſt, to the undoing of that People whom they are oblig'd by undeſerved Rewards, as well as by all the Ties of* RELIGION, JUSTICE, HONOUR *and* GRATITUDE, *to defend and protect?* And is it not the ſame (as this Author adds) if *any Number of Men, tho' in a leſſer Truſt, or in no Truſt at all, ſhould deliberately, and knowingly deſtroy thouſands of their Fellow-Subjects, and overturn the Trade and publick Credit of the Nation, to enrich themſelves and their Accomplices?*

The Fate of *Roger Mortimer* in the Reign of *Edward* the Third, is another remarkable Inſtance of the Juſtice of our Parliaments in puniſhing Offences of a publick Nature. He was, in the 4th Year of that King's Reign, in Parliament attainted of High-Treaſon and executed. The following Articles againſt him, do very well deſerve a Place in this Paper.

1. 'Whereas at the Parliament held at '*London*, immediately after the King's 'Coronation,

'Coronation, it was ordain'd, that four 'Biſhops, four Earls, and ſix Barons, 'ſhould be always near the King for his 'Council, that is to ſay, one Biſhop, one 'Earl, and two Barons at the leaſt at once; 'and that no Affair of Conſequence ſhould 'be tranſacted without their Conſent; 'and that each of them ſhould be reſpon-'ſible for what was done during the Time 'of their Attendance: The ſaid *Roger*, not 'having regard to the ſaid Aſſent, ac-'croach'd to himſelf Royal Power and 'the Government of the Realm, above 'the Eſtate of the King; and put out 'the Miniſters of the Houſhold of the 'King, and others in the Realm, and he 'put in others at his own pleaſure, ſuch as 'were of his own Party. And he plac'd '*John Wyard*, and others about the King, 'to eſpy his Actions and Words; ſo that 'the King was environ'd in ſuch man-'ner by his Enemies, that he could do 'nothing of himſelf, but was like a Man 'in Ward.

2. 'Alſo, Whereas the King's Father 'was at *Kenilworth* by Ordinance of the 'Peers of the Land, to live there at his 'Eaſe, and to be ſerv'd in a manner 'fitting for ſuch a Lord; the ſaid *Roger*, 'by Accroachment of Royal Power, did 'not reſt till he had him as it were a 'Priſoner at Will, and then he order'd

'him

'him to be carry'd to the Caſtle of *Berkley*, 'where, by him, or by thoſe whom he 'plac'd about him, he was falſely, 'traitorouſly, and feloniouſly murther'd 'and kill'd.

3. 'Alſo the ſaid *Roger* forbad by the 'King's Writ under the Great-Seal, that 'none ſhould come to the Parliament at '*Salisbury* with Force and Arms, upon 'pain of forfeiting whatſoever they could 'forfeit to the King; yet the ſaid *Roger*, 'and others of his Party, came with Force 'and Arms to the ſaid Parliament, con-'trary to the ſaid Prohibition: for which 'Reaſon, ſeveral Peers of the Land, as 'the Earl of *Lancaſter*, and others, un-'derſtanding the Manner of his coming, 'did not come. And whereas at the ſaid 'Parliament, the Prelates were aſſembled '*in one Houſe* to conſult of the Affairs 'of the King and of the Realm, the 'ſaid *Roger*, with armed Men, broke open 'the Doors of the ſaid Houſe upon the 'Prelates, and threatned them of Life and 'Member, if they were ſo hardy as to do 'any thing againſt his Will and Ordinance. 'And in the ſaid Parliament, the ſaid '*Roger* caus'd the King to create him Earl 'of *March*, and to grant him ſeveral 'Lands and Tenements to the Diſheriſon 'of the Crown. And afterwards the ſaid '*Roger*, and thoſe of his Party, led the King

'King armed as far as *Wincheſter*, againſt 'the Earl of *Lancaſter*, and other Peers 'of the Land, who were come thither in 'their way to meet the King at his Par-'liament at *Salisbury*; for which Reaſon 'the ſaid Earl, and the other Peers of 'the Land, to avoid the miſchief that 'might have happen'd, out of Reſpect to 'the King, departed and went to their 'own Countries, grieving that they might 'not ſpeak with, nor adviſe their Liege 'Lord as they ought.

4. 'Alſo the ſaid *Roger* caus'd the King 'to march forcibly againſt the Earl of '*Lancaſter*, and the other Peers of the 'Land, who were appointed to be with 'the King to adviſe him. And he proſe-'cuted them with ſuch Force, that the 'ſaid Earl, and the other Great Men 'of the Land, who wiſh'd well to the 'King, ſubmitted to the King's Mercy, 'ſaving to themſelves Life and Member, 'and that they might not be diſinherited, 'nor have too great a Fine ſet upon them; 'yet he cauſed them to be fined ſo grie-'vouſly, that if their Land was ſold right 'out, it would but pay it. And the others 'he caus'd to be driven out of the Nation, 'and their Lands to be ſeiz'd, *againſt the 'Form of the Great Charter and the Law of 'the Land.*

5. 'Whereas

5. 'Whereas the ſaid *Roger* knew well 'that the King's Father was dead and 'buried, he by others of his Party, in 'deceitful manner, inform'd the Earl of '*Kent* that he was alive; wherefore the 'ſaid Earl being deſirous to know whether 'it was ſo or not, us'd all the good Ways 'he could to diſcover the Truth: inſo-'much, that the ſaid *Roger*, by his uſurped 'Royal Power, caus'd him to be appre-'hended at the Parliament held at *Win-'cheſter*, and ſo purſu'd him, that in that 'Parliament he was put to death.

6. 'Alſo the ſaid *Roger* caus'd the King 'to give to him and his Children, and 'his Confederates, Caſtles, Towns, Man-'nors, and Franchiſes, in *England*, *Ire-'land*, and *Wales*, to the Decreaſe of the 'Crown.

7. 'Alſo the ſaid *Roger*, in deceitful 'manner, made the Knights of Shires, at 'the ſaid Parliament, grant to the King 'one Man at Arms of every Town in '*England*, that anſwer'd in Eyre by four, 'and the Provoſt, at their Coſt, for a 'Year, in his Wars of *Gaſcoigne*; which 'Charge he contriv'd to turn to the Profit 'of himſelf and his Party, in Deſtruction 'of the People.

8. 'Alſo the ſaid *Roger*, by his ſaid 'accroached Royal Power, cauſed Sum-'mons to be ſent to many great Knights and

'and others, under the Great-Seal, that 'they ſhould come to the King, where-'ever he was; and when they came, he 'caus'd them to be charg'd to prepare 'themſelves to go to *Gaſcoigne*, or to fine 'at his pleaſure: which Fines were for the 'Benefit of him and his Party.

9. 'Alſo the ſaid *Roger* falſly and 'maliciouſly caus'd diſcord between the 'Father of our Lord the King and the 'Queen his Wife, and poſſeſſed her that 'if ſhe went to him, ſhe ſhould be kill'd 'with a Dagger, or otherwiſe murthered: 'And by this means, and his other Subtle-'ties, he ſo order'd it, that ſhe would 'not come near her Lord, to the great 'Diſhonour of the King; and in time 'to come perhaps to the Miſchief of the 'whole Realm, which God forbid.

10. 'Alſo the ſaid *Roger* had caus'd to 'be taken for himſelf and Party, as much 'of the King's Treaſure as he pleas'd, 'without Tale, in Money and Jewels, 'to the Deſtruction of the King; inſomuch 'that the King had not wherewithall to 'pay for his Victuals.

11. 'Alſo the ſaid *Roger* cauſed to be 'taken for himſelf and Confederates, the '20000 Marks, which came out of *Scot-'land* for the Articles of Peace, without 'any part of it coming to the Profit of 'the King.

21. 'Alſo the ſaid *Roger* receiv'd the 'King's Duties and Purveyances through-'out the Kingdom, as if he had been 'King; and he and his Party had with 'them, double the Company of Men and 'Horſe that were with the King, to the 'Deſtruction of the People, they not 'paying for their Quarters more than they 'pleas'd.

13. 'Alſo the ſaid *Roger*, by his ſaid 'uſurped Royal Power cauſed the King 'to grant to the Mounting 200 *Iriſh*, of 'thoſe who kill'd the Great Men and 'others, who were in the King's Faith 'in thoſe Parts: whereas the King ought 'immediately to have reveng'd their 'Death, rather than have pardon'd them 'contrary to the Statute and Aſſent of 'Parliament.

14. 'Alſo the ſaid *Roger* contriv'd to 'have deſtroy'd the King's ſecret Friends, 'in whom he had the moſt Confidence. 'And he ſurmis'd to the King, in the 'Preſence of the Queen his Mother, the 'Biſhops of *Lincoln* and *Salisbury*, and 'others of the Council, that his ſaid 'ſecret Friends had excited him to combine 'with his Enemies beyond Sea, to the 'Deſtruction of the Queen his Mother, 'and him the ſaid *Roger*: And this he 'affirm'd ſo impudently upon the King, 'that the King could not be believed

'againſt

'against what he had ſaid. And for 'theſe things, and many others not as 'yet fit to be declar'd, was he appre-'hended, *&c.*'

'Tis obſervable that in theſe Articles, the chief Treaſon charg'd on *Mortimer*, was his being acceſſary to the Murther of the King's Father who was then only in the Degree of a private Perſon, and a Subject to his Son. And the Reaſon why his Attainder was afterwards revers'd on the Petition of *Mortimer*'s Nephew, was only becauſe the Parliament proceeded againſt him, *Sans nulle accuſament, & ſans ſte meſne au Jugement, au en Repons*; and not becauſe the Points in the Charge againſt him were not treaſonable.

Theſe *Parliamentary* Proceedings ſhew with what Impartiality and Rigor our Anceſtors in thoſe days puniſh'd thoſe Crimes which had the Publick for their Object, adjudging them to be *High-Treaſon*. And thus they acted conformably to the Definition Lawyers give of High-Treaſon; which is *an horrible Offence committed againſt the Security of either King or Kingdom, whether it be by Imagination, Word, or Deed.* A late ingenious Author tells us, 'That the *Saxons* had no Notion of any other *Treaſon*, than that of Treachery to their Country. They puniſh'd it with Death, as ſoon as ever

'they diſcover'd it; and in their Supreme 'Councils, or to ſpeak in the Language 'of the preſent Age, in their Parliament, 'they took Cognizance of Crimes of this 'Nature, and as it were attainted the 'Criminals. *Tacitus* ſays, *Licet apud con-* 'cilium accuſare quoque, & diſcrimen Capi- 'tis intendere; and then adds, *Proditores* '& Transfugas arboribus ſuſpendunt.'

I know it has formerly been objected in behalf of Perſons under *extraordinary* Proſecutions, that theſe Precedents are by no means to be followed, the Law being ſince alter'd by the Statute of 25 *Edw.* 3. where the ſeveral Species and Kinds of *Treaſon* are enumerated; and that no other Crimes ought to be eſteem'd or adjudg'd ſo, but the particular Caſes mention'd in that Statute.

But if we conſider the Intention of the Legiſlature by that Act, as well as the Occaſion of making it, it will appear that the Juriſdiction of Parliaments was no wiſe infring'd nor alter'd thereby, but only that of inferior Courts, who formerly had a diſcretionary Power of adjudging any Caſe to be Treaſon without Limitation. The Abuſe of which being found to be a great Grievance to the Subjects, the Parliament by the ſaid Act reſtricted their Juriſdiction to thoſe *Treaſons* only which were againſt *Our Lord*

Lord the King, and his Royal Majeſty; but in the very ſame Act, reſerv'd to themſelves and their Succeſſors, a Power to judge in other Caſes ſuppos'd to be Treaſon, in theſe Words: *If any other Caſe ſuppoſed to be Treaſon, not before ſpecify'd, ſhall happen before any Juſtices, they ſhall ſtay Judgment, till the Cauſe be ſhew'd before the* PARLIAMENT, *whether it ought to be judg'd Treaſon or not.*

Our Anceſtors knew very well that 'twas impoſſible for human Wiſdom to foreſee all the various Miſchiefs that might ariſe in the Commonwealth, and therefore wiſely decreed all ſuch extraordinary Caſes to be the proper Objects of Legiſlative Power. No Government but muſt leave Mankind, as the Deity does his Creatures, in a State of Free-Will; and therefore in an exerciſe perhaps of conceal'd Villanys, which will ſometimes break out into *enormous Crimes* that are not provided againſt by any particular Law. Therefore there muſt be a *Supreme Power* lodg'd ſomewhere, to apply freſh Remedies, when extraordinary Diſtempers ſhew themſelves, or there would be an end of Government.

But there is nothing in which the Generality of Mankind is ſo much miſtaken, as when they talk of Government. The different Effects of it are obvious to every one,

one, but few can trace its Cauſes. Moſt Men having indigeſted Ideas of the Nature of it, attribute all publick Miſcarriages to the Corruption of Mankind. They think the whole Maſs is infected, that 'tis impoſſible to make any Reformation, and ſo ſubmit patiently to their Country's Calamities, or elſe ſhare in the Spoil: Whereas Complaints of this kind are as old as the World, and every Age has thought their own the worſt. We have not only our own Experience, but the Example of all times to prove, that Men in the ſame Circumſtances will do the ſame Things, call them by what Names of Diſtinction you pleaſe. A Government is a mere piece of Clockwork, and having ſuch Springs and Wheels, muſt act after ſuch a manner: And therefore the Art is to conſtitute it ſo, that it muſt move to the Publick Advantage. It is certain that every Man will act for his own Intereſt, and all wiſe Governments are founded upon that Principle: So that this whole Myſtery is only to make the Intereſt of the *Governors* and *Governed* the ſame. In an Abſolute Monarchy, where the whole Power is in one Man, his *Intereſt* will be only regarded; in an Ariſtocracy, the *Intereſt* of a few; and in a *Free Government*, the *Intereſt* of every one. This would be the Caſe of *Great Britain*, if

Abuſes

Abuſes did not ſometimes creep into our Conſtitution.

The Freedom of this Kingdom depends upon the People's chuſing the Houſe of Commons, who are a Part of the Legiſlature. Their *Intereſt* is ſo interwoven with the People's, that if they act for themſelves, they muſt act for the *common Intereſt* of *Britain*. And if a few among them ſhould find it their *Intereſt* to abuſe their Power, it will be the Intereſt of all the reſt to puniſh them for it. And then our Government acts mechanically, and *Traytors* and *Parricides* will as naturally be hang'd, as a Clock ſtrike twelve when the Hour is come. This is the Fountain-head, from whence we muſt expect the Redreſs of our Grievances, and Juſtice on *extraordinary Offenders*.

Our Rights are not now leſs valuable, nor our Laws of leſs Force than formerly. We have the ſame Privileges which have been immemorially the Rights of our Anceſtors. Our Liberties and Property have the ſame Guardians. We have a Parliament to proſecute publick Criminals in the Name of the Publick; and God forbid that the *Juſtice*, *Glory*, and *Honour* of our Forefathers were ſo far loſt and obliterated in us their Poſterity, that we ſhould ſeem willing to part with thoſe good Laws they have left us for our Security,

Security, at the Expence of their Blood: Or that the Children unborn ſhould curſe us, as cruel Step-Fathers, that have diſinherited them of their Birthright.

But for a farther Proof of the Power of the Legiſlature to interpoſe in the Proſecution of extraordinary Criminals, and exert their *Declaratory Power*, by virtue of the Reſervation above mention'd; I ſhall demonſtrate this to have been the conſtant Practice of Parliaments, even ſince the ſaid Statute of the 25 *Edward* 3.

There are many Inſtances to be given of the Proceedings of the *Houſe of Lords ſingly* in extraordinary Caſes, ſome of which I ſhall mention from an ingenious Author.

William de Weſton and *John de Gomeneze* were in *Richard* the Firſt's Reign adjudg'd by the Lords to die as Traytors, for having ſurrendred the Caſtles of *Outherwyke* and *Ardes* to the *French* without Authority. Their only Crime was Cowardice, which is not Treaſon by the Statute; but they ſuffer'd this Severity for an Example to other Commanders.

Sir *Thomas Haxey* was, in *Richard* the Second's Reign, by the King and Lords in Parliament condemn'd of High-Treaſon, for exhibiting to the Houſe of Commons a ſcandalous Bill againſt the King and his Court, for moderating the *outrageous Expences*

Expences cauſed by Biſhops and Ladies.

But this Judgment was afterwards revers'd.

In the ſame Reign, *Henry Bowet* had the ſame Judgment paſs'd on him for adviſing the Duke of *Hereford*, after Judgment was given againſt him at *Coventry*, to procure Letters-Patents from the King for enabling him, during his abſence, by his Attorneys to ſue and have Liveries of any Lands deſcended to him, and his Homage reſpited.

Sir *John Mortimer* was committed to the Tower in the ſecond Year of *Hen.* 6. upon a ſuſpicion of Treaſon againſt *Hen.* 5. who having found Means to eſcape, was for this indicted of Treaſon, and the Indictment confirm'd in Parliament. Upon which (being afterwards apprehended) he was ſentenc'd and ſuffer'd as a Traytor without any Tryal.

Thomas Arundel, Archbiſhop of *Canterbury* was, in the 22d of *R.* II. adjudg'd guilty of High-Treaſon for having when he was Chancellor procur'd and executed a Commiſſion, which was alledg'd to be traitorouſly made.

In the 17th of *Rich.* II. the King and Lords adjudg'd the Conſpiring the Death of the Duke of *Lancaſter* to be Treaſon.

In the 1ſt of *H.* 4. *John Hall* was by the King and Lords adjudg'd to be hang'd,

drawn and quarter'd as a Traytor, for being acceſſary to the Murther of the Duke of *Gloceſter*, who was ſmother'd to Death between two Feather-beds at *Calais* by the Command of King *R.* II.

There are many more Precedents of this Way of Proceeding by the Lords ſingly, upon the Petition of the Commons; whereby they adjudged ſeveral Facts to be Treaſon, which were not ſpecify'd in the Statute of the 25th of *Edward* 3. And after this manner of Procedure was laid aſide, the whole Parliament did on Occaſion exert the ſame declaratory Power (reſerv'd by the Statute) by Bill of Attainder, whereof there are Precedents almoſt in every Reign theſe 200 Years paſt. That was a memorable one in the 3d of *Richard* the II. of an Agent that came from *Genoa* and was by misfortune kill'd upon a Quarrel in the Streets. The Perſon who kill'd him was try'd, and it was brought in *ſe defendendo*: But the Perſon kill'd, being a publick Miniſter, the Nation thought fit to take more Notice of it; and he who kill'd him was afterwards attainted by Parliament. Now there was nothing in this Caſe to make it Treaſon by the Statute, nor could ſuch a Procedure be juſtify'd by any thing but the Neceſſity of it. The Publick Faith however, and the Law of Nations requir'd it.

So

So that here is an Inſtance of a Perſon who ſuffer'd by a Law *ex poſt facto*.

In the Reign of *Henry* the 8th, when a Pot full of Pottage was poiſon'd in the Biſhop of *Rocheſter*'s Kitchin, of which ſeveral Perſons eating of it had dy'd: The Cook being convicted thereof, was, by an Act of Parliament, ſentenc'd to be boiled alive, and accordingly ſuffer'd by that Law, which was never cenſur'd by any; though here the Puniſhment was increas'd, after the Fact committed.

When the Nun of *Kent* pretended to Viſions, that revealed to her the Unlawfulneſs of *Henry* the 8th's Purpoſe of Divorce, and of a ſecond Marriage, and that he ſhould die a Villain's Death if he perſiſted in it; the Parliament adjudg'd this to be Treaſon againſt the King's Life and Crown, and condemned ſome to be attainted of Treaſon, and others of Miſpriſion, for the ſhare they had in it.

It would be endleſs to enumerate all the Inſtances of the Interpoſition of the Legiſlative Power in Criminal Caſes of an extraordinary Nature: 'Tis evident our Parliaments have conſtantly exerted ſuch a Power, as the Exigency of the Occaſion ſeem'd to require. And we may obſerve, from the Examples produc'd, that they have not only inflicted the *higheſt Puniſh-*

ment for Facts which were not prohibited by an expreſs Law, as in the Caſe of the Perſon who was hanged, drawn, and quartered, for killing the Ambaſſador of a foreign State in Self-Defence; but have, in ſeveral Inſtances, declar'd Crimes to be greater, than by the Laws actually ſubſiſting they were declar'd to be: and accordingly increas'd the Puniſhment, as in the Caſe of the Cook, who was boiled alive for poiſoning the Biſhop of *Rocheſter*'s Broth. Nor can it be any Injuſtice for the Supreme Power to puniſh Facts which are in their own Nature criminal, though not within the Verge of the Law; or to inflict a higher Puniſhment than is by Law preſcrib'd, for Crimes attended with heinous and aggravating Circumſtances. This ſupreme Legiſlative Power is circumſcrib'd by no Rules, nor ſubject to any Law but the eternal Laws of Reaſon: and the fundamental Law of all Government, *viz. Ne quid detrimenti Reſpublica capiat, To preſerve the Commonwealth*, is its only Rule.

To declare or enact a Fact, after it is committed, to be a Crime, which when committed was in itſelf none; ſuch as tranſporting Wooll beyond Sea, and the like, would indeed be high Injuſtice: But none ever pretended that the Old *Romans* acted unjuſtly, in making an Example of the

the firſt *Parricide*, by the moſt extraordinary Puniſhment, though there was no Law againſt him; *he was ſewed up in a Sack, and thrown into the* Tyber. Nor did ever any one condemn the Parliament of the ſecond and third of *Philip* and *Mary*, for enacting, That *Smith*, and others, who were ſuppos'd to be guilty as Acceſſaries to a barbarous Murder, and were equally, if not more criminal, than the Principal (if they ſhould be found guilty as Acceſſaries) ſhould not have their Clergy; which, at the time of committing the Fact, Acceſſaries to Murder were allow'd to have. And who will ſay that a Conſpiracy to blow up the Houſe of Commons, or the Magazines of the *Tower*, or to burn the Fleet of *England*, though formerly in themſelves but Miſdemeanors, might not have been juſtly raiſed, by a Parliamentary Authority, to be Crimes of a higher Nature, and puniſhed accordingly?

Indeed inferior Courts are govern'd by the Letter of the Law, which, in ſome extraordinary Inſtances, may be ſo defective, that not only the Guilty will eſcape Puniſhment, but even the Innocent may ſuffer by a ſcrupulous adhering to Forms. There was a remarkable Caſe in the Reign of *Henry* the Fourth; where two Men travelling together, one killed

the

the other, and the Judge ſaw it: And afterwards that Judge came the ſame Circuit, and an innocent Man was try'd for it, and yet the Judge was oblig'd to go by his judicial Knowledge; and all he could do, in that Caſe, was to reſpite the Judgment, and apply to the King for the Man's Pardon. On the other hand, how many vile Criminals have been acquitted for default of legal Evidence, Errors in their Indictments, &c. though manifeſtly guilty in the Opinion both of Court and Jury?

But though there may be Flaws and Defects in the ordinary Forms of Law, our *Conſtitution* labours under none, which is above the Laws, and all their Forms. Theſe indeed would ſignify little towards the Preſervation of a Government, if there was no higher Authority to interpoſe, when it is in danger. It was not by the Forms of common Juſtice below, that they declar'd the Throne vacant at the late Glorious Revolution, and King *William* lawful King: It was not upon the ordinary Rules of *Weſtminſter*, that his Title depended; no, it depended on this Maxim, That the Parliament of *England* were entruſted with the Whole, and might conſtitute a Government for the Preſervation of the Whole.

Now

Now having ſhew'd, by undeniable Proofs, that our wiſe Anceſtors have frequently exerted their Legiſlative Power, *by inflicting extraordinary Puniſhments on extraordinary Offenders*; I ſhall mention a few Examples from Hiſtory, to prove, that the beſt-conſtituted Governments and Commonwealths have done the like, and have taken extraordinary Methods in extreme Caſes.

The *Romans*, who, of all other Nations, both underſtood Liberty the beſt, and liked it the moſt, reckoned that ſort of Juſtice was never to be departed from; but that their Laws might be ſuperſeded, to puniſh uncommon Offenders. Sometimes they put all in the Power of the Conſuls, with a *Viderint Conſules, &c.* In great Caſes the People judged, and ſometimes in a very ſummary way, with regard to Juſtice, but little to Law, when it ſeem'd to ſtand in the way of Juſtice: But generally, when the Danger was extreme, a Dictator was made, in whoſe Breaſt all the Laws were lodged, and who was veſted with a Power above the Laws.

In *Catiline*'s Conſpiracy, when the Senate conſulted what to do with *Cethegus*, and the other Conſpirators, *Cethegus* being General of an Army, that only waited *Catiline*'s Orders to lay *Rome* in Aſhes; it was reſolved to break the *Porcian* Law, and

and put them to death, before the Aſſembly roſe.

This *Porcian* Law had ſecur'd all the *Roman* Citizens from capital Puniſhments; yet a few Years after it had paſt, the *Campanian Legion* having perfidiouſly fallen in upon *Rhegium*, and poſſeſs'd the Town for ten Years; the *Romans*, without regard to that Law, put them all to death. They ſuffer'd every Man, Four Thouſand Heads paid for it; ſo did the *Ninth Legion* under *Julius*, and the *Tenth Legion* under *Auguſtus*, every Man was puniſh'd. This was the Behaviour of a People, who were not naturally cruel or ſavage; but, on the contrary, who taught the reſt of the World Humanity: And, doubtleſs, the Neceſſity of the State made an Apology for thoſe rigorous Proceedings.

We have a very remarkable Inſtance of the extraordinary Power of a *Roman Dictator*, which demonſtrates the Zeal that People ſhew'd to have thoſe puniſh'd with the utmoſt Rigour, who had committed any thing, only in appearance, prejudicial to the Commonwealth. An inimitable Author has related the Story in the fineſt manner:

This powerful Officer (*ſays he*) was once created, on purpoſe to put to death *Spurius Mælius*, for giving *gratis* to the People

People a large Quantity of Corn, in a time of Famine. This Liberality of his was conſtru'd by the Senate an ambitious Bribe, to catch the Hearts of the Multitude, in order to ſeize their Liberties—— *Spurius Mælius——prædives, rem utilem peſſimo Exemplo, pejore Conſilio eſt aggreſſus*; he undertook a *publick* and *plauſible Thing*, but of *ill Example*, and with *a worſe Deſign*. *Largitiones frumenti facere inſtituit*; his avow'd Pretence was to relieve the Poor: *Plebemque hoc munere delinitam, quacunque incederet conſpectus elatuſque ſupra modum hominis privati, ſecum trahere*; he cajol'd the People, intending to enſlave them; and growing too powerful for a Subject, became terrible to the common Liberty, which is ſupported by Equality: *Ipſe, ut eſt humanus animus inſatiabilis eo quod Fortuna ſpondet, ad altiora & non conceſſa tendere*; the Mind of Man is reſtleſs, and cannot ſtand ſtill, nor ſet Bounds to its Purſuits. *Spurius Mælius* would at firſt have been content with the *Conſulate*, or chief Magiſtracy in Ordinary; but becauſe he found that even that could not be got without Force, he thought the ſame Force would as well carry him up higher, and make him *King*———*Et quoniam Conſulatus quoque eripiendus invitis patribus eſſet, de Regno agitare*; the Traytor had been ſuffer'd to carry a great

Point, he had abus'd the Publick, and deceiv'd the People. The Senate, therefore, take him to task; and there being no Law ſubſiſting, by which he could be put to death——*Conſules* Legibus *conſtricti, nequaquam* tantum virium *in Magiſtratu ad eam rem pro* Atrocitate *vindicandam quantum Animi haberent*; they therefore create a *Dictator*, an Officer with Power, for a time, to ſuſpend Laws, and make Laws. The Occaſion was great—— *Opus eſſe non forti ſolum viro, ſed etiam* libero, exſolutoque Legum vinculis. *L. Quincius Cincinnatus* was the Man, a true and brave *old Republican*, who worthily and boldly did his Work, and, by the hands of his Maſter of the Horſe, ſlew the *mighty Traytor*, impudently imploring the *Publick Faith*, to which he was a ſworn Enemy; and complaining of the Power of Oppreſſion, when the ſhameleſs Villain had been only ſeeking a Power to oppreſs: *Fidem Plebis Romanæ implorare, & opprimi ſe* Conſenſu Patrum dicere. He knew his Villanies were out of the reach of the Law, and he did not dream of an extraordinary Method of puniſhing them by the *Roman Parliament*. But he was deceiv'd; and the Dictator tells the People, that being a ſort of an *Outlaw*, he was not to be proceeded with as with a Citizen of *Rome*; *Nec cum* eo *tanquam cum*

Cive

Cive *agendum fuiſſe.* An unuſual Death was due to his monſtrous Wickedneſs; *Non pro ſcelere id magis, quam pro* monſtro *habendum*; nor was his Blood alone, ſays the wiſe *Dictator*, ſufficient to expiate his Guilt, unleſs *we alſo pull down his Houſe*, where ſuch crying Crimes were firſt conceiv'd; and confiſcate to the publick Uſe his Eſtate and his Treaſures, the Price and Means of the publick Ruin—And his Eſtate was accoringlygiven to the Publick—*Nec ſatis eſſe ſanguine ejus expiatum, niſi tecta parieteſque inter quæ tantum amentiæ conceptum eſſet, diſſiparentur, bonaque contacta pretiis regni mercandi* publicarentur. *Jubere itaque Queſtores, vendere ea bona & in publicum redigere.* The Treaſury had them for the uſe of the Publick.

Thus (ſays our Author) did the Great, the Wiſe, and the *Free Romans* puniſh this extraordinary Knave, by a Power that was not ordinary.

The *Venetians* delegate this *Dictatorial* Power to a Council of *Ten*, who are call'd the Inquiſitors (not the Eccleſiaſtical, but Civil Inquiſitors) who in the following particular Caſe, went even further in the Exertion of their Power than was conſiſtent with the publick Faith. Above one hundred Years ſince, a Conſpiracy being ſet on foot there by the *Spaniards*; the Senate, in order to get a full Diſcovery, promis'd Pardon to all that were concern'd: And

after they had examin'd them, they thought it neceſſary, for the preſervation of the Government, to break the publick Faith, and put them all to death. This Precedent will nevertheleſs have weight with all Governments in the like Exigencies.

The Republick of *Holland* exerted this extraordinary Power by puting to death the firſt Man that was known to break fraudulently, and dividing his Eſtate among his Creditors; there being no Law to puniſh him.

I need not multiply Examples of this Kind; every one who is converſant in Hiſtory, well knows that it has been the Wiſdom of all Ages to make Laws for puniſhing ſuch as by their Artifice would evade the Law.

Indeed ſuch Emergencies will really happen in a State well govern'd; and frequent Exertions of the Legiſlative Power, (except upon extraordinary Occaſions) are neither ſafe nor prudent. Great Aſſemblies expoſe themſelves to the danger of often erring, when they go out of their Legiſlative Capacity, and engage in the ſubtle and minute Intricacies of the executive Power, where all the corrupt Members of the State think it their Intereſt to miſlead them, and obſtruct their Endeavours, that ſuch good Intentions for the Publick, may at laſt be defeated,

feated, as generally they are in the Concluſion, after much Time has been loſt, which might have been employ'd in Matters of real Uſe and Service to the Commonwealth. However, the Adminiſtration happens ſometimes to be ſo neglected, that there lies upon them an abſolute neceſſity to interpoſe, or all muſt go to ruin: When this appears, and on ſuch high Occaſions, they reſort to extraordinary Remedies, and ſupply with their own Proceedings, what is defective in the Miniſterial Power; as the General of an Army is now and then to fight with his own Hands, like a common Soldier.

Our Parliaments in particular ſeldom or never have given themſelves the trouble of doing that which ſhould be done by others. They will not take Things out of the ordinary Courſe of Juſtice, except in Caſes extraordinary; and the Imputation of aſſuming the executive Power can never be fixt upon them, while they undertake no more than what is either omitted, or what is too ſtrong to be encounter'd by the ſubordinate Parts of Government. This laſt is our Caſe at preſent, and the proper Buſineſs of a Parliament. It is their Prerogative to puniſh enormous Abuſes and Corruptions, monſtrous and unprecedented Crimes; to pour vengeance on thoſe guilty Heads, who have expos'd

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the Publick to plunder, and ſunk their Country to the loweſt Dregs of Miſery.

I have already ſhew'd in general Terms, from the Nature of their horrid Villanies, that theſe extraordinary Traytors ought to be puniſh'd in an extraordinary Manner: I have likewiſe ſufficiently prov'd from the Behaviour of our Anceſtors and other Free Governments on the like Emergencies, what may reaſonably be hoped from a free and unbiaſs'd Parliament, which, hath already proceeded with ſo much Vigor againſt them. Now therefore to another grand Argument, *viz. our moſt preſſing Danger*, which calls for ſtrong Cordials and high Reſtoratives; many Circumſtances concur to ruin us, which cannot fail ſo to do, unleſs we provide the ſpeedieſt and moſt powerful Antidotes againſt them.

Theſe Monſters of Wickedneſs have introduc'd an univerſal Corruption in the Age, which cannot be conceal'd. And the Parliament is now driven to variety of Enquiries on this Head, which is the true Spring and Fountain, from whence are deriv'd all the Calamities and Diſtractions under which the Nation at preſent groans. Both Houſes did long ſince entertain a juſt Suſpicion of Bribery and corrupt Practices, as appears by their printed Votes and Reſolutions. I ſhall tranſcribe one Article out of the Votes of the Houſe of Commons,

mons, which is as follows. 'That the 'taking or holding of Stock by the *South-Sea* Company, for the benefit of any 'Member of either Houſe of Parliament, 'or Perſon concern'd in the Adminiſtra-'tion (during the time that the Company's 'Propoſals, or the Bill thereto relating, 'were depending in Parliament) without 'any valuable Conſideration paid, or ſuffi-'cient Security given for the Acceptance 'of, or Payment of ſuch Stock, and the 'Company's paying or allowing ſuch 'Perſon the Difference ariſing from the 'advanc'd Price of the Stocks, were *cor-'rupt*, *infamous*, *and dangerous* Practices, 'highly reflecting on the Honour and 'Juſtice of Parliaments, and deſtructive of 'the Intereſt of his Majeſty's Government.'

Some have been already convicted of ſuch Practices, and I hope they will meet with a Puniſhment adequate to their Crime, which is the greateſt a Member of Parliament is capable of committing.

Curſed Project! than which nothing can more effectually accompliſh the Ruin and Overthrow of a free People. Such Artifices, when they take effect, defeat all our Hopes, poiſon us in our Mothers Milk, murther us by the Hands of our Parents, infect the only Cordial that can preſerve our Being, make us acceſſary to our

our own Fate, betray'd by thoſe we chuſe to repreſent us, and given up by thoſe elected to defend our Property.

This is not the firſt Attempt Great Societies have made to gain their deſtructive Purpoſes, in ſuch a manner. The Affair of the old *Eaſt-India Company* in 1694 and 1695, is a flagrant Inſtance. All the Proceedings in that Matter, are upon the Journals of Parliament, and are almoſt every way parallel to the Proceedings of their Brethren of the *South-Sea*, inſomuch that theſe ſeem to have taken the Pattern from the others. But it had been happy for the Nation, if theſe had been detected, as the others were, before they had brought their Project to have the deſign'd pernicious Effect. A common Murmur then aroſe, that Court, Camp and City were tainted, nay, the very Parliament it ſelf infected; ſo that the Lords and Commons were ready to write (*Lord have Mercy upon us!*) upon their Doors. I ſhall only obſerve, that in that dark Buſineſs, the Company's own Committee reported, that on the 31ſt of *October* 1694, the Balance of their Caſh-Book was 124249 *l.* 15 *s.* 10 *d.* which their Caſhier a little time after could give no Account of, but in a few Notes. Beſides this, there were Contracts for Stock to the value of 67383 *l.* 1 *s.* 6 *d.* which was Stock-

Stockjobb'd up and down, and after very great Loſs, again transfer'd to the Company's Account: and that alſo upon the Company's Account of Charges general, there was 103165*l.* 15*s.* 5*d.* paid out of Caſh in ſix Years, beginning at 1688, of which the Committee were never able to obtain any farther Account, than that the ſame was paid from time to time for SPECIAL SERVICE. A good round Sum indeed, but nothing to our *South-Sea Millions!*

The two Houſes of Parliament were juſtly alarm'd at this Matter; they batter'd the Company for their Treachery to the Publick, and ſhew'd their Reſentments of it as far as the Evidence did guide them: but the Diſpoſal of thoſe great Sums remain a Secret to this day. The King himſelf expreſs'd his Royal Diſpleaſure againſt the Company and their corrupt Practices, in a remarkable Exception in the Act of Indemnity paſs'd ſoon after, which you'll find in theſe Words: 'Alſo except out of this preſent 'Act all Offences in giving or promiſing, 'or in receiving or taking, or in accept-'ing of any Promiſe of any Sum of Money, 'or other Gift, Reward, or Gratuity, for 'the procuring, or aſſiſting in procuring 'of a new Charter, or Charter of Reſti-'tution to the *Eaſt-India* Company, or a

'Charter for the regulating of the ſaid 'Company, or in order to the obtaining or 'promoting an Act of Parliament for 'confirming the *Eaſt-India* Company; or in 'order to prevent or obſtruct the paſſing of 'one Act of Parliament for erecting or for 'ſettling a new *Eaſt-India* Company; or in 'refuſing to give Evidence, or declare their 'Knowledge touching any of the ſaid Offen-'ces, having been thereunto lawfully re-'quir'd.'

Precedents of this Nature ſpread like an Infection, and diſpoſe Mens Minds to conſult their own private Advantage, when the Publick ſhould only be conſider'd: and from the higheſt Places of Truſt to the meaneſt Employments, by ſuch pernicious Examples Men are led into Temptation, to take and give Bribes till the Traffick is become univerſal; and then they diſcard all Fear, becauſe they think in the multitude of Criminals there is Safety. Unhappy is a Nation when arriv'd to this pitch of Corruption; 'tis more fatal than War, Peſtilence or Famine.

It is moſt evident to all ſuch who are in the leaſt acquainted with the *Greek* and *Roman* Hiſtories, that Bribery and Corruption were the chief Cauſes of the Overthrow of thoſe Free Governments.

By theſe means *Philip* of *Macedon* ruin'd moſt of the Commonwealths of *Greece*, ſo much celebrated in antient Hiſtory.

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The *Spartan* State, which had flouriſh'd with ſuch Glory about eight hundred Years, was ſoon deſtroy'd by the corrupt Uſe of thoſe immenſe Riches wherewith their *Aſiatic* Conqueſts had furniſh'd them.

The Ruin of the *Roman Commonwealth* is (by all who have wrote on that Subject) attributed to that Corruption with which they were overrun after they became Maſters of *Aſia*, and the Plunder thereof. Before that time, Honour had been the Reward of good and great Actions, but then Money without Merit open'd the Door at which Fools and Knaves enter'd, when honeſt Men could not be admitted. Then it ſeem'd a Crime to be Virtuous; and that People became ſo degenerate, that the Conſulſhip, Government of Provinces, Commands of Armies, and every publick Employment were put to Sale, and all carry'd by Caballing and Bribery, without any Regard had to the Merits of Men, and their Services to their Country; according to the Teſtimony of *Lucan*,

Hinc rapti faſces pretio, ſectorque favoris
Ipſe ſui Populus lethaliſque ambitus Urbi.

With whom agree *Appian* and *Petronius*, who charge the Civil War upon this very Score.

Nec minor in Campo furor eſt, emptique Quirites
Ad Prædam Strepitumque, Lucri ſuffragia vertunt ;
Venalis Populus, Venalis Curia Patrum.

So prevailing was this Corruption grown amongſt them, that it occaſion'd that ſevere Exclamation, *O Urbem venalem ſi emptorem inveniſſent!* Intimating that they would ſell even the City it ſelf, if a Man were found who had a Purſe ſufficient to make the Purchaſe. And tho' ſevereſt Laws were enacted againſt it, as appears by *Suetonius*; yet they were neither obſerv'd, nor put in execution: which ſtill gave Occaſion for that Remark of *Valerius Maximus*, *Utinam* (ſays he) *more majorum, nihil eorum quæ virtuti debentur, emere pecunia liceret*; That the Rewards of Virtue were proſtituted to Sale, contrary to the Manner of their Foreſathers.

But in thoſe Anceſtors Days to which he appeals, their greateſt Men had learn'd the hardeſt Leſſon of Virtue, which was *Pauperiem pati.* And ſo long as the Republick could maintain her Splendor, they glory'd in the Meanneſs of their private Fortune. The truth is, the *Romans* of thoſe hardy days could afford to be poor,

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as having nothing but the honeſt Wants of Nature to provide for, who is reaſonable in her Demands, and ſubſiſts upon a little Coſt. Their Succeſſors ſet up for Gentlemen of another Strain; they contracted ſo many chargeable Vices to maintain, and converted ſo many Extravagancies into the Neceſſaries of Life, that the Patrimony of their Anceſtors, altho' ever ſo much improv'd, fell too ſhort for their Occaſions. Employments of State were ſought for, not through Zeal to ſerve the Publick, but for the Support of their private Riots and Debaucheries. The Government was become a general Mart, where the richer Chapmen bought by Wholeſale, to ſell out again by Retail.

——— *Quare tam perdita* Roma !
Ipſa ſui Merces erat, & ſine Vindice Præda.

Thus by Corruption and Bribery that once flouriſhing and glorious People were deſtroy'd.

And 'tis yet freſh in Memory how this Nation was brought to the very Brink of Ruin by ſuch corrupt Practices in the Reign of King *Charles* the Second. The Conſpirators againſt their Country well remembring with how little Succeſs open Arms and downright Violence had been made uſe of, to ſtorm and batter down

down the Bulwarks of our excellent Conſtitution, had recourſe at laſt to thoſe mean Arts, and underhand Practices, of Bribery and Corruption. We very well remember when 252467*l.* was ſquander'd away among mercenary Wretches in leſs than three Years. The Nation groan'd under the Burden of theſe wicked and inglorious Practices, which ripen'd it for Ruin. The Miſchiefs and Calamities occaſion'd thereby, did not terminate with that King's Reign, but the Effects of them are handed down, and in a great meaſure felt by the Nation to this very Hour. For it was to this degenerate and mercenary Vice, that the Greatneſs of *France* was owing, and to the Account of thoſe Betrayers of their Country, ought we to ſet down the prodigious Expences of the late Wars with that Kingdom. It was through this Means, that Money was given to make a Colluſive War with *France*, which at the ſame time was employ'd, either in ſubduing the Subjects at home, or oppreſſing our Proteſtant Neighbours abroad. It was this that furniſh'd the King of *France* with Timber and skilful Workmen for building Ships, as well as expert Mariners, and a prodigious Quantity of Braſs and Iron Cannon, Mortar-Pieces, and Bullets from the Tower. By this means the Honour of *England* was

proſtituted,

proſtituted, and our natural and naval Strength betray'd. To this we are to aſcribe the Loſs of all the conſiderable Charters of *England*, the Deaths of our beſt Patriots, the Encouragement, and almoſt Eſtabliſhment of Popery, the Decay of Trade, the Growth of Arbitrary Power, the ill Effects of diſhonourable Leagues, the ſhutting up of the Exchequer, the Progreſs of all ſorts of Debauchery; in ſhort, a general Depravation of Manners, and almoſt utter Extirpation of Virtue and moral Honeſty. Theſe, and all the other Miſchiefs of that Reign, are juſtly to be imputed to this then reigning Vice. For though none could be ignorant of the Nation's deplorable Condition, yet having their Eyes blinded with Gold-Duſt, and their Tongues lock'd up with Silver Keys, they durſt not cry out for the Reſcue of their Country, thus inhumanly raviſh'd in their Preſence.

As for the Reign of King *James*, tho it was notoriouſly guilty of the Breach and Violation of our fundamental Laws, which ſufficiently juſtifies our Carriage towards him, yet cannot we ſay that his Miſmanagement is to be aſcrib'd to Bribery or Corruption: 'tis true indeed, he reap'd too much Advantage from the ſiniſter Practices of wicked Inſtruments in

in the preceding Reign, and uſed all poſſible Endeavours to corrupt even thoſe who were entruſted with the Conſervation of our Laws, and the Guardianſhip of our Liberties; well knowing that to be the moſt effectual Means for carrying on his ruinous and deſtructive Projects: but he was altogether defeated in his Expectation.

This miſerable Diſappointment of the Hopes of that King made way for the glorious Revolution; from whence the Nation expected a full Deliverance from all their Miſeries. And indeed what could have obſtructed the full Accompliſhment of our Wiſhes, under the Government of the beſt of Kings, ſupported by the beſt of Titles, but the corrupt Practices of ſelfiſh and deſigning Men? All the Hazards to which the Nation was then expoſed, all our unſucceſsful Undertakings, all the miſgiven and miſpent Treaſure, all that was deficient, or left undone to the compleating our Security, is to be laid to their charge; who inſtead of being qualify'd to render his Majeſty Great, and the People Happy, ſeem'd only to be fitted to bring the King, if it were poſſible, into Diſeſteem, and to make the Kingdom miſerable.

I have already given one remarkable Inſtance of Corruption in that Reign, in the

the Affair of the old *Eaſt-India* Company; but there is another equally extraordinary, which ought not to be omitted, relating to a Bill *for raiſing a Fund for an annual Payment to be made, in lieu of the Debts due to the City-Orphans.* This Matter had met with ſo many Delays before it was brought into Parliament, that the Lord-Mayor, Aldermen, and Common-Council, finding they were laid under the higheſt Neceſſity to try the *Power of Gold*, took a Reſolution to bethink themſelves of Ways and Means for carrying on more vigorouſly their hitherto baffled Attempt, to obtain Relief in the deplorable Caſe of their *diſtreſs'd Orphans*; and in order thereunto, on the 24th of *January*, 1693, the Common-Council appointed a Committee to ſollicite the Parliament for a Bill for that Purpoſe, and order'd the Chamberlain to iſſue out, and pay ſuch Sums as were requir'd by, and neceſſary for the ſaid Committee, for promoting the ſaid Services. Accordingly, on the 12th of *February* following, it was order'd by the ſaid Committeee, " That Mr. Chamberlain " do pay tothe honourable Sir *J——n* " *T——r* Knight, Sp——r of the Ho- " nourable H——e of C——s, the Sum " of 1000 Guineas, ſo ſoon as a Bill be " paſs'd into an Act of Parliament for " ſatisfying the Debts of the Orphans,

" and other Creditors of the ſaid City." Which Sum was accordingly paid the 22d of *June*, 1694. And afterwards the Parliament having made Enquiry into this Matter, the City and Chamberlain of *London* dealt very candidly, and detected the ſaid honourable Sp——r, and another worthy Member, Mr. *H——d*, Chairman of the Grand Committee, to whom they had paid for his Pains and Service twenty Guineas. Upon which they were both expell'd the Houſe. So juſt a Horror, ſo noble an Indignation, had that Auguſt Aſſembly for their Crime! And indeed what Reſentment muſt it not have rais'd in every one that lov'd his Country, to ſee it poſſible for *Corruption* ſo far to enter into the Sp——r's Chair, as to take Money for an Act of Parliament! This was a monſtrous Production in Nature, unknown to the Ages paſt. To take Money for an Act of Parliament, is the worſt of Crimes: And to take it for an Act in favour of *poor Orphans*; for an Act, in which not only the Honour of the Nation, but the Subſiſtence of ſome Hundreds of People *that wanted Bread, and muſt have ſtarved without it*, was concern'd; to take a Gratuity for ſuch an Act, is a thing ſcarce to be parallel'd! This was to *rob the Poor* with a witneſs, a Crime which we

we ſee every day the Wretches that pad upon the High-Way diſdain to commit.

As for the laſt Reign, this inſinuating Vice made us then thoroughly ripe for Deſtruction. Money or Preferments were the Temptations to catch thoſe who had not the Honeſty to withſtand them: And the Betrayers of their Country having thus got the Aſcendant over thoſe ſequacious Animals, it ſeem'd as if nothing would ſatisfy them, but a downright Subverſion of our Conſtitution: They would be content with nothing but the utter aboliſhing of thoſe Laws, and the rooting up of thoſe Fences and Securities which ſtood in the way to their traitorous Deſign of introducing a Pretender, with Popery and Arbitrary Power: in which however they were fruſtrated in a manner almoſt miraculous; but eſcaped the Puniſhment due to their Deſerts.

Now having re-capitulated all theſe Circumſtances of Ruin in the foregoing Reigns, which had their Riſe from this poiſonous and deſtructive Vice; what ſhall we think of our preſent Condition, when the whole Properties of *Britain* have been graſp'd by the Directors and their Accomplices, who gave away part of the Plunder of their Country, that they might engroſs the Whole? It never

before enter'd into the Hearts of any the moſt conſummate Cheats, to conceive ſo monſtrous a Project: in which they have ſo well ſucceeded, that there can be no Compariſon between our paſt and preſent Sufferings. And I dread to think what may be the future calamitous Conſequents and Effects of our Diſaſters, unleſs the Wiſdom of our Legiſltaure prevent the ſame.

There can be no greater Symptom of Ruin in a State, than the Loſs and Diminution of its Treaſure and Wealth. 'Tis certain that every Nation has but ſuch a certain Quantity of Bullion, ſome more, ſome leſs, actually exiſting, and being at one time within the Country: If that circulates, and goes from hand to hand, whatever Loſſes private Men may ſuſtain, the Publick will never the more be impoveriſh'd: If the Stock be increas'd, and the Coin augmented by Trade, the Nation in proportion muſt needs grow richer; but if that Stock be viſibly and conſiderably diminiſhed, by taking from it, and ſending what is taken, to Places from whence it ſhall never return, it is plain that ſuch a Country muſt ſoon fall into Poverty, which draws all other Miſeries at its heels.

When Publick Wants lead the way, private Poverty follows cloſe after; and when

when both happen together, which muſt always be the Caſe at laſt, then is Ruin near at hand. Whether National Intereſt be purſu'd or no, is a high Point of State not often conſider'd by the Multitude, provided they enjoy preſent Peace and Plenty. The Exceſſes of Power likewiſe, unleſs they are very exorbitant indeed, ſeldom come to affect them, nor are they with eaſe brought to engage in thoſe Quarrels: they mind as little (generally ſpeaking) how the executive Power proceeds, provided the Courſe of Juſtice is ſo free, that they may recover their Debts from thoſe who are of higher Rank: Nor does it much import them who ſit at Helm, and are the Miniſters: They enter not often into Matters of Speculation. But though they may not ſee ſo far, they can feel as well as others: They are able to make Compariſon between frugal and corrupt Management: under the firſt they find themſelves rich and eaſy; under the ſecond poor and oppreſſed with Taxes. And as the Body of the People, collectively conſider'd, have a natural Right to ſuch a Proportion of their Country's Wealth and Product, as is ſufficient not only for the neceſſary, but comfortable Subſiſtence of Life; ſo when they have not this due Share out of their own Labours,

bours, and when Governments are compell'd to raiſe, tho it be by legal Ways and Means, more Money than the People can pay, without drawing their very Blood from them, they murmur, and exclaim upon theſe Courſes, without conſidering from what Cauſe their Wants have proceeded.

Moreover, when a Government is without Treaſure, it not only renders it weak at home, but contemptible abroad. Thus the Emperor *Maximilian* the Firſt, always neceſſitous, added no Weight to the ſide he embrac'd; when, at the ſame time, our *Henry* the Eighth, not indeed by his own, but by the Benefit of his Father's Thrift, made ſuch a Figure in the World, that he was courted by all the great Princes of that Age, and was able to turn the Balance of *Europe* wherever he inclin'd.

The *French* Hiſtory has a remarkable Paſſage, which ſhews what fatal Accidents Neceſſity and Publick Want may bring upon a State. When the Duke of *Guiſe* was preſs'd, by the Council of Sixteen, to take Arms againſt *Henry* III. Monſieur *Believre* was ſent from Court to him at *Soiſſons*, by whom he returned his Submiſſion to the King upon certain Conditions. *Believre* was commanded to write the Duke word, that he was kept at *Paris*, by Buſineſs, for three Days, at the

the end of which he would be with him, and bring Credentials and ample Conditions: But, ſays *Mezeray*, in the Royal Coffers, from whence ſo many Millions had iſſu'd out, there could not be then found Five and twenty Crowns to defray the Expence of an Expreſs; ſo the Letter was ſent by the common Poſt. The three days expir'd, and Things not being ready, the King order'd *Believre* to write to the Duke a ſecond time; again the Five-and-twenty Crowns could not be had for an Expreſs, and this Letter alſo was ſent by the common Poſt. Upon this the Duke, tho both Pacquets came to hand, went to *Paris*, came into the Preſence in a triumphant Manner, and afterwards beſieg'd *Henry* in his own Palace. This ſhews that a Government may be ſo ſhaken, that the ſmalleſt Inſtance will ſuffice to overturn it; and that there may be a certain Period in Diſorder, beyond which there is no proceeding any farther. God forbid that this ſhould ever be our Caſe.

If this Age had follow'd the Example of their Anceſtors in puniſhing Bribery and Corruption, we had not now probably felt ſuch heavy Misfortunes. That great and renown'd Prince, *Edward* the Third, hang'd his Chief-Juſtice *Thorp*, of the *King's-Bench*, for taking a Bribe of 100 *l.*

100*l.* Saying, *That he being entruſted as the King's Deputy to adminiſter Juſtice in that Court, had, as much as in him lay, broken that ſolemn Oath that his Majeſty made to his People at his Coronation.*

That is alſo a very remarkable Inſtance of Judge *Ingham*, who for abating but 6*s.* 8*d.* of a Fine due to the King, was made to build the Clock-Houſe at *Weſtminſter*, and hung the great Bell therein, which coſt him 800 Marks; that the Judges and Officers might be put in mind of their Oaths, when they heard the Clock ſtrike. And it made ſuch Impreſſion on Judge *Southcote* in the Reign of Queen *Elizabeth*, that he being deſired to ſhew Favour, ſaid, *He was not for building another Clock-Houſe.*

We have alſo another famous Inſtance of the tranſcendent Juſtice of our Nation, in the Caſe of the Great and Learned Lord Chancellor *Bacon*, who was thrown down from his High Station, upon an Accuſation of Bribery, though all that then was poſitively prov'd againſt him, was his allowing a Servant to accept a Preſent of a Set of Beaten Silver-Buttons.

With ſuch Severity did our Anceſtors ward againſt this dangerous Vice, when Examples of it were but rare. And now when the Infection is ſpread like

like a Leproſy, it muſt be impoſſible to cure it by leſs vigorous Methods. *Non eſt jam Lenitati locus, Severitatem res ipſa flagitat. There is no room left for Lenitives.*

The only Remedy we have left to prevent our impending Deſtruction, is a FREE AND UNCORRUPT PARLIAMENT; who have demonſtrated by their Proceedings, that they lie under no Temptations, and are acted by no other Motives than the real and true Intereſt of their Country. To ſave the Nation, and to ſupply the People; to redreſs their Grievances, and make them eaſy, and to *do them Juſtice on the Authors of their Calamities*, is the Great Work now before them: And what cannot ſuch a *Parliament* do (aſſiſted with the Advantages of ſuch a Conſtitution) that is within the Power of human Means to bring about? It was the Saying of *Hannibal*, That many things which in their own nature ſeem almoſt impoſſible, may be compaſs'd, when taken in hand with Skill: *Multa quæ Natura impedita ſunt, Conſilio expediuntur.* To reſtore Order in a State, where all has been in Confuſion; Vigilance in Affairs of Publick Conſequence, where the Buſineſs is uſed to be neglected; and Probity among People ſo long accuſtomed to Corruption; to re-

deem the Credit and Wealth of the Nation, and to lay the Foundation of a better Proſpect of Affairs, are things without doubt very difficult: but yet as much as all this may be brought about by a WISE and VIRTUOUS PRINCE, aſſiſted with a *good and faithful Council.* And perhaps *Fortune* may have contriv'd theſe Evils and Miſchiefs, as Matters of Triumph for their Virtues; according to the Notion of *Machiavel*, who lays down, That ſometimes 'tis neceſſary a Country ſhould be without Order, haraſs'd, ſpoil'd, overcome, overrun, and overflown with all kinds of Calamities, that there may be room and opportunity for Men of a great Genius to exert themſelves in its Redemption.

To conclude therefore with the main Deſign of this Paper: The Fortune of *Britain* is brought to the niceſt Point; and there are critical Seaſons, which if neglected, will never again be offered: Some Infections muſt be check'd in time, or Remedies will come too late. Societies of Men that have ſuch vaſt Sums of Money at their Diſpoſal, and know how to diſtribute it to the worſt of Purpoſes, may ſometime have it in their power to ruin us beyond all Hopes of Recovery. Since therefore we have hardly eſcaped utter Deſtruction by the moſt

moſt horrid Attempt of this Nature, " *Let us honeſtly hang up thoſe that have* " *deceiv'd and undone us, and let us be-* " *ware of new Deceivers, and new De-* " *ſtroyers.*" Let us put away the *Accurſed Thing* from among us, and throw out the *Achans* to be ſtoned by the People.

Tantus enim illorum temporum dolor injuſtus eſt Civitati, ut jam iſta non modo Homines, ſed ne pecudes quidem mihi paſſuræ eſſe videantur.

FINIS.

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